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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,120	04/06/2000	Brett Bracewell Bonner	2100.0051	7646
7590	03/24/2004		EXAMINER	
Finnegan Henderson Farabow Garrett & Dunner LLP 1300 I Street NW Washington, DC 20005-3315			LEE, SEUNG H	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,120	BONNER ET AL. <i>(In)</i>	
	Examiner	Art Unit	
	Seung H Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 February 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 29 is/are allowed.
 6) Claim(s) 1-7 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 February 2004 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al. (US 6,517,004, of the record)(hereinafter referred to as 'Good') in view of Moed et al. (US 5,770,841, of the record)(hereinafter referred to as 'Moed')

Good teaches an automated identification and measuring system comprising a package identification subsystem for identifying the package by reading barcode affixed on the package using a barcode reader, a package dimensioning subsystem for measuring dimensional characteristics of package, subsystem output the data element on a display device graphically, a time-stamping module for time stamping each and

every identification data produced from the package identification subsystem and for time stamping each and every measurement data produced from the package dimensioning subsystem, a data element combining module for producing package data element pairs containing package dimensioning data and package identifying data according to the time-stamped information respectively, X-Y package profiling subsystem including vertical light curtain for measuring the height of the packages serving as a vertical height scanner, a subsystem employs a simultaneous package detection/tracking method for tracking the package on the conveyor in which serves as a position system for providing position information wherein the subsystem computing the models of the package (e.g., one box is disposed on top of another, one box is disposed beside another) using dimension information and positional information associated with the time value (see Figs. 1, 4-9, 15-21, 24, 30; col. 23, line 8- col. 25, line 50; col. 28, lines 1-8; claim 1).

Although, Good teaches photoreceiving circuits (407A and 407B in Fig. 15B), he fails to particularly teach an image capture system.

However, Moed teaches the image capture system (12) for capturing the image of package (20c) using a high-resolution camera (16) (see Fig. 1; col. 5, lines 1-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the image capture system as taught by Moed to the automated package identification and measuring system of Good in order to provide an improved and an enhanced means wherein operator(s) can verify the package in the scanning terminal using the image of the package displayed on the display device.

Moreover, such modification would provide an alternative means for reading/decoding the characters (e.g., name, address, etc.) from package using the optical character recognition (OCR) techniques, and therefore an obvious expedient.

Allowable Subject Matter

4. Claim 29 is allowed.

5. The following is an examiner's statement of reasons for allowance:

Although, the best prior art of the record to Good and Moed teaches the automated identification and measuring system, however, Good and Moed taken alone or in combination of other references, fail to specifically teach or fairly suggest that the automated identification and measuring system comprises a orientation means for determining an orientation of each objects on the transport means using the positional information and information capture means for obtaining information from each object wherein the image capture means includes a plurality of scanning means where each scanning means is simultaneously focused based on the orientation of the objects on the transport means as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed 20 October 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Good comprises a data element module producing package data and time-stamped information and photoreceiving circuits, and Moed teaches a imaging capturing system for capturing image of packages. Therefore, it would have been an obvious to incorporate the photoreceiving circuits as taught by Good with the image capturing camera of Moed in order to provide an improved and an enhanced system as discussed in paragraph 3 above.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-

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2401. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax-phone number for this group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [seung.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
March 19, 2004


MICHAEL G. LEE
EXAMINER
TECHNOLOGY CENTER 2800